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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/758,984

01/16/2004

Harry Snyder

2003P00652 US01

7911

7590

07/26/2006

Alexander J. Burke
Intellectual Property Department
5th Floor
170 Wood Avenue South
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EXAMINER

VY, HUNG T

ART UNIT

PAPER NUMBER

2163

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/758,984

Applicant(s)

SNYDER ET AL.

Examiner

Hung T. Vy

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/16/2004.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION
Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 01/16/2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

2. The drawings are objected to for the following reasons.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "plurality of interface images" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Rejections - 35 USC 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

Claims 1-18 are rejected under 35 U.S.C. 101 because the claims are directed to a non-statutory subject matter, specifically, the claims are not directed towards the final result that is "useful, tangible and concrete.

(See State Street, 149 F.3d at 1373-74 USPQ2d at 1601-02).

According to the New Guidelines of October 26, 2005, which states that "A claim limited to a machine or manufacture, which has a practical application, is statutory. In

most cases a claim to a specific machine or manufacture will have a practical application. See Alappat, 33 F.3d at 1544, 31 USPQ2d at 1557)... a specific machine to produce a useful, concrete, and tangible result and State Street, 149 F.3d at 1373-74 USPQ2d at 1601-02).

(Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility

<http://rs6.net/tn.jsp?t=mdmd7pbab.0.kbg76pbab.p9qiiibab.7440&p=http%3A%2F%2Fwww.uspto.gov%2Fweb%2Foffices%2Fpac%2Fdapp%2Fopla%2Fpreognotice%2Fguidelines101_20051026.pdf>)

Examiner requests Applicant to include in Applicant's claimed limitations (in all the claims) the following:

What is the practical application?

What is the result?

What is final result that is concrete, useful and tangible?

Because the "practical application, result, concrete, useful and tangible"

limitations are not claimed in Applicant's claims, Examiner believes that the above listed claims are nonstatutory.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraph of 35 U.S.C. § 102 in view of the AIPA and H.R. 2215 that forms the basis for the rejections under this section made in the attached Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13 and 15-19 are rejected under 35 U. S. C. § 102 (b) as being anticipated by Evans (U.S. patent No. 5,924,074).

Regarding to claims 1, and 16-19, Evans discloses a system enabling individual organizations of a plurality of different organizations to manage access of employees to at least one remotely located application hosted by an application service provider, comprising: at least one database (104) containing data representing, a plurality of user interface images (fig. 5-8) associated with a corresponding plurality of organizations, and a plurality of executable procedures (see fig. 2. 4 or fig. 15a) associated with the corresponding plurality of user interface images (fig. 3, 5, etc.) an executable procedure supporting a user of a particular organization in managing access of employees of the particular organization to an application hosted by an application service provider; and a command processor (see column 12, line 66-67 and column 13, line 1-1-5 and fig. 24) employing the at least one database for initiating execution of a particular executable procedure in response to a command initiated using a particular user interface image associated with the particular executable procedure and with the particular organization, the particular executable procedure supporting the user in managing access of an employee of the particular organization to an application (see interface command in fig. 3 and a command in fig. 2), an authorization processor for authorizing access of the user to a particular user interface image (see column 15, line 22-32).

Regarding claim 2, Evans discloses an authorization processor for authorizing access of the user to the particular user interface image and the associated particular

executable procedure in response to received identification information of the user (see column 14, line 67 and column 15, line 1-7).

Regarding claims 3-4 and 6, Evans discloses an authorization processor excludes access of the user and employees of the particular organization to user interface images and executable procedures and data associated with organizations other than the particular organization because in column 2, line 45-50 discloses the system provides instant access to medical record by authorized health-caser providers. The removing permission of the user and employees of the particular organization to access the data associated with the other organizations from a directory of permissions used to control data access (see column 2, line 50-60 and column 15, line 20-32).

Regarding claim 5, it is inherent that Evans discloses the directory of permission comprises a Microsoft compatible Active Control List because Evans discloses the system runs in Microsoft Windows so it has ACL (see column 13, line 30-55).

Regarding claim 7, Evans discloses the plurality of executable procedures comprises a plurality of sets of executable procedures (see fig. 2 or 4) associated with the corresponding plurality of user interface images (fig. 3 or 5) and the command processor employs the at least one database (104) for initiating execution of a particular executable procedure in a particular set of executable procedures in response to a command initiated using the particular executable procedure in a particular set of executable procedures in response to a command initiated using the particular user interface image (see fig. 2-5).

Regarding claim 8, Evans discloses an executable procedure enables the user to at least one of add an employee and remove an employee, of an organization as a user entitled to access the application hosted by the application service provider (see column 14, line 30-42).

Regarding claim 9, it is inherent that Evans discloses the executable procedure changes authorization information associated with the added or removed employee because Evans discloses the a system administrator may have global password access to any patient data for system maintenance and debugs purpose and changes authorization information associated with the added or removed employee (see column 15, line 20-30).

Regarding claim 10, Evans discloses an executable procedure enables the user to amend information used in authorizing a particular employee of an organization to access the application hosted by the application service provider (see column 2, line 45-55).

Regarding claims 11-12, Evans discloses an authorization processor for authorizing access of the employee of the particular organization to the particular user interface image and the associated particular executable procedure in response to received employees identification information (see column 15, line 20-30).

Regarding claim 13, it is inherent that Evans disclose an executable procedure comprises processor executable instruction in a computer language including at least one of assembly language because every computer have to run in a assembly language.

Regarding claim 15, Evans discloses at least one of, the command is initiated at a user site via a particular user interface image (fig. 3) communicated to the user site and the particular executable procedure is communicated to a user site and executed at the user site (see fig. 2-5).

Claim Rejections - 35 U.S.C. § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 14 is rejected under 35 U.S.C. 103 (a) as being unpatentable Evans (U.S. patent No. 5,924,074) in view of Tuunanen et al. (U.S. Pub. 2002/0169776).

Regarding claim 14, Evans discloses all limitations recited in claim 1 except for a template procedure customized by at least one of the user and a technician. However, Tuunanen et al. discloses a template procedure (see paragraph 0102). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Evans's system by provided a template procedure so the user may then selected a script template which he desires to user since such arrangement of a template procedure for the stated purpose has been well known in the art as evidence by the teaching of Tuunanen et al. (See column paragraph 0095-0096).

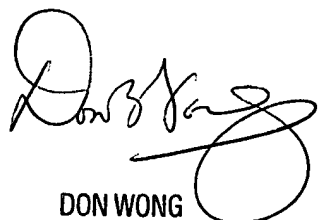
Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Vy whose telephone number is 571-2721954. The examiner can normally be reached on 8.30am - 5.30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571 272 1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hung T. Vy
Art Unit 2163
July 18, 2006.



DON WONG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100